

REMARKS

The Applicants thank the Examiner for the thorough consideration given the present application. Claims 1-20 and 25-31 are pending. Claims 21-24 were previously canceled without prejudice to or disclaimer of the subject matter contained therein. Claims 5, 17, 29 and 31 are amended. Claims 1, 9, 17, 28, and 30 are independent. The Examiner is respectfully requested to reconsider the rejections in view of the amendments and remarks set forth herein.

Reasons for Entry of Amendments

At the outset, it is respectfully requested that this Amendment be entered into the Official File in view of the fact that the amendments to the claims places the application in
1
condition for allowance. The Applicants respectfully submit that the rejections under 35 U.S.C. 103(a) are not proper and should be withdrawn.

In the alternative, if the Examiner does not agree that this application is in condition for allowance, it is respectfully requested that this Amendment be entered for the purpose of appeal. This Amendment reduces the issues on appeal by amending objected-to claim 17 to overcome the Examiner's objection. This Amendment was not presented at an earlier date in view of the fact that the Examiner has just now presented new grounds for rejection in this Final Office Action.

Allowable Subject Matter

The Examiner states that claims 5-8, 13-16, and 17-20 and 27 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As indicated below,

Applicants respectfully submit that each of independent claims 1, 9, 28, and 30 as currently written includes a novel combination of elements not suggested by the cited references, and

independent claim 17 is amended to overcome the objection.

Therefore, independent claims 1, 9, 17, 28, and 30 are in condition for allowance.

Claim Objection

Claim 17 is objected-to because of the awkward phrase “an amplifier to amplifying”.

In order to overcome this objection, the Applicants have amended claim 17 to recite "an amplifier for amplifying". Accordingly, reconsideration and withdrawal of this objection are respectfully requested. Therefore, independent claim 17, and claims 18-20 and 27 depending therefrom, are in condition for allowance.

Rejections Under 35 U.S.C. § 103(a)

Claim 1, 2, 9-10, 25, and 26 stand rejected under 35 U.S.C. §102(b) as being unpatentable over Allen et al. (U.S. 5,526,419) in view of Harada et al. (U.S. 6, 272,466);

claim 3, 4, 11, 12, and 28-31 stand rejected under 35 U.S.C. §102(b) as being unpatentable over Allen et al. (U.S. 5,526,419) in view of Harada et al. (U.S. 6, 272,466), and further in view of Yamaguchi et al. (U.S. 5,751,822);

claims 28-31 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Allen et al. in view of Williamson III (U.S. 5,369,711).

These rejections are respectfully traversed.

Arguments Regarding Independent Claims 1 and 9

First of all, the Applicants respectfully submit that the combination of elements set forth in each of claims 1 and 9 as currently written is not suggested by the references cited by the Examiner, including Allen et al. and Harada et al. Therefore, no changes have been made to independent claims 1 and 9.

Independent claim 1 as currently written recites a combination of elements directed to a speech communication apparatus, including *inter alia*

control means having a VOX detection circuit, a sneezing detection circuit, and an OR circuit, the OR circuit for outputting a theoretical sum of an output signal from the VOX detection circuit and an output signal from the sneezing detection circuit for controlling the gain of said amplifying means such that a reproduced sound of said excessive input signal is reduced to a predetermined level only for a predetermined period of time when said excessive input signal is detected.

Independent claim 9 as currently written recites a combination of elements directed to a speech communication apparatus, including *inter alia*

a VOX detection circuit, a sneezing detection circuit, and an OR circuit, the OR circuit for outputting a theoretical sum of an output signal from the VOX detection circuit and an output signal from the sneezing detection circuit for controlling the gain of said amplifying means such that a reproduced sound of said input signal which exceeds the first predetermined level is reduced to a second predetermined level for a predetermined period of time when said input signal exceeding a first predetermined level is detected.

Support can be seen, for example, in FIGS. 3 and 4.

On pages 3 and 5 of the Office Action, the Examiner concedes that the Allen et al. document fails to teach the above features of claims 1 and 9.

The Examiner then asserts that these features are taught by Harada et al. column, 24, lines 57-65. As best understood by the Applicants, Harada et al. column, 24, lines 57-65 merely discloses various points on a human face where specular reflection plates may be attached in order to detect swallowing, coughing, sneezing and the like, by means of reflected light. This disclosure of Harada et al. has no relation to the claimed features of claims 1 and 9 of the present invention.

Moreover, after a careful review of the remainder of the Harada et al. document, the Applicants can find no mention of an OR circuit for outputting a theoretical sum of an output signal from the VOX detection circuit and an output signal from the sneezing detection circuit for controlling the gain of said amplifying means such that a reproduced sound of said excessive input signal is reduced to a predetermined level only for a predetermined period of time when said excessive input signal is detected.

Applicants respectfully submit that the combination of elements as set forth in each of independent claims 1 and 9 is not disclosed or made obvious by the prior art of record, including Allen et al. and Harada et al., at least for the reasons explained above.

Therefore, independent claims 1 and 9 are in condition for allowance.

Amendments to Independent Claims 28 and 30

First of all, the Applicants respectfully submit that the combination of elements set forth in each of claims 28 and 30 as currently written is not suggested by the references cited by the Examiner, including the combination of Allen et al., Harada et al., and

Yamaguchi et al., or the combination of Allen et al. and Williamson III. Therefore, no changes have been made to independent claims 28 and 30.

Independent claim 28 as currently written recites a combination of elements directed to a speech communication apparatus, including *inter alia*

wherein said control means controls said amplifying means such that said amplifying means becomes mute for a predetermined time when said input signal exceeds a predetermined level.

Support for the novel features set forth in claim 28 can be found in the specification, for example, in paragraphs [0008], [0048], and [0050].

In addition, independent claim 30 as currently written recites a combination of elements directed to a speech communication apparatus, including *inter alia*

wherein said control means controls said amplifying means such that said amplifying means becomes mute for a predetermined time when said input signal stays below a predetermined level.

Support for the novel features set forth in claim 30 can be found in the specification, for example, in paragraph [0046].

Rejection based on Allen et al., Harada et al., and Yamaguchi et al.

Other than lines 1-3 of paragraph 6 of the Office Action, the Examiner provides no specific information of how the combination of Allen et al., Harada et al., and Yamaguchi et al. teaches the invention as set forth in independent claims 28 and 30.

In the Office Action dated August 16, 2004, the Examiner concedes that Allen et al., does not disclose actively prolonging gain suppression for a predetermined period of time.

As mentioned above, nowhere in Harada et al. is there any suggestion of a reproduced sound of said excessive input signal is reduced to a predetermined level only for a predetermined period of time when said excessive input signal is detected.

Regarding Yamaguchi et al, the Examiner asserts (page 6, paragraph 6 of the Office Action of August 25, 2005) that Yamaguchi et al. column 5, lines 5-19 teaches operation means for varying the predetermined period of time. However, the Applicants respectfully submit that Yamaguchi et al. column 5, line 5-19 provides no such teaching. Yamaguchi et al. column 4, lines 53-55 merely discloses a holding circuit 32 that delays the decline of the output signal produced by the peak detection circuit 31 for a specified period of time. However, this disclosure in Yamaguchi et al. has no relation to the present invention.

Thus, at least for the reasons explained above, the Applicants respectfully submit that the combination of elements as set forth in each of independent claims 28 and 30 is not disclosed or made obvious by the prior art of record, including Allen et al. and Harada et al., and Yamaguchi et al.

Rejection based on Allen et al. and Williamson III.

The Examiner asserts that Williamson, III, column 15, lines 45-48 teaches wherein said control means controls said amplifying means such that said amplifying means becomes mute for a predetermined time when said input signal exceeds a predetermined level (as set forth in claim 28); and

wherein said control means controls said amplifying means such that said amplifying means becomes mute for a predetermined time when said input signal stays below a predetermined level (as set forth in claim 30).

The Applicants respectfully disagree.

As can be seen in Williamson III, column 6, lines 19-25 merely discloses "...timer 28 is also responsive to the output of peak detector 26 which appears at point 31. It commences timing the passage of a predetermined interval of time each time the signal at point 31 undergoes a high to low transition, indicating that a signal at point 30 which was above the reference voltage for peak detector 26 was previously present and is now gone."

Nowhere in Williamson, III is there any suggestion of wherein said control means controls said amplifying means such that said amplifying means becomes mute for a predetermined time when said input signal exceeds a predetermined level (as set forth in claim 28); and

wherein said control means controls said amplifying means such that said amplifying means becomes mute for a predetermined time when said input signal stays below a predetermined level (as set forth in claim 30).

Thus, at least for the reasons explained above, the Applicants respectfully submit that the combination of elements as set forth in each of independent claims 28 and 30 is not disclosed or made obvious by the prior art of record, including Allen et al. and Williamson III.

The Examiner will note that claims 29 and 31 are amended merely to correct typographical errors.

All dependent claims are in condition for allowance due to their dependency from allowable independent claims, or due to the additional novel features set forth therein.

Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. §103(a) are respectfully requested.

All claims of the present application are now in condition for allowance.

CONCLUSION

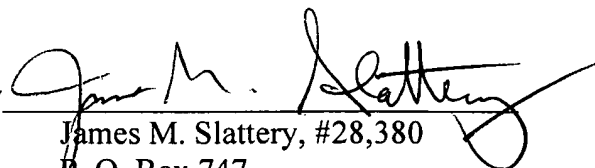
Since the remaining patents cited by the Examiner have not been utilized to reject claims, but merely to show the state of the art, no comment need be made with respect thereto.

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. It is believed that a full and complete response has been made to the outstanding Office Action, and that the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, he is invited to telephone Carl T. Thomsen (Reg. No. 50,786) at (703) 205-8000.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,
BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 
James M. Slaterry, #28,380
P. O. Box 747

Falls Church, VA 22040-0747
(703) 205-8000

JMS/CTT/ags/bsh 